IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

LA.App..No. 957 of 2005(D)

LAR.29/2001 of PRL.SUB COURT, KOZHIKODE
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APPELLANT: RESPONDENT.

SPECIAL TAHSILDAR, L.A.KOZHIKODE.

GOVERNMENT PLEADER SRI.MANOJ.

RESPONDENTS: CLAIMANT AND RESPONDENTS.
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1. BALAN, S/O.RARICHAN, MEETHAL VEETTIL,
P.O.VENGERI, VARADOOR DESOM, KOZHIKODE.

2. THE SECRETARY, CALICUT CORPORATION.

BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 01/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & K.T.SANKARAN, JJ.

C.M.Appln.1350/05 & L.A.A.No.957 of 2005

Dated 1st February, 2007.

J U D G M E N T

Kurian Joseph, J.

There is a delay of 375 days in filing the appeal. On merits, it is seen that the extent involved is only less than 5 cents. The total enhancement given is Rs.60,856/-. The claimant had produced Ext.A1 document and had taken out a commission. He was examined as AW1. Taking note of the evidence thus available on record only, the enhancement was granted. It is also seen that there is no evidence for the State. On the delay, it is seen that the certified copy of the decree and judgment was obtained from the court on 27.5.2004, whereas the appeal was filed only on 30.8.2005. There is no explanation at all for the delay. The reference court has also found that the land covered by the basic document has no road access whereas the property that is acquired is for widening the road. For

all the reasons stated above, we dismiss the delay petition as well as the appeal.

KURIAN JOSEPH, JUDGE.

K.T.SANKARAN, JUDGE.

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KURIAN JOSEPH & K.T.SANKARAN, JJ

W.P.(C) NO. OF 2004

J U D G M E N T

Dated 1st February, 2007.